



U.S. Department of Justice

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NEWS RELEASE

**FOR IMMEDIATE RELEASE
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THOMAS W. LAMBERT PLEADS GUILTY TO OBSCENITY CHARGE IN U.S. FEDERAL COURT

Bill Mercer, United States Attorney for the District of Montana, announced today that during a federal court session in Billings before U.S. District Judge Richard F. Cebull, THOMAS W. LAMBERT, a 65-year-old resident of Lavina, pled guilty to a charge of conspiring to distribute obscene materials. LAMBERT is currently released on his own recognizance with conditions.

In an Offer of Proof filed by the United States, the government stated it would prove at trial that during 2001 and 2002, while doing business as "Pet Tec," LAMBERT shipped obscene videotapes throughout the United States in response to orders placed by customers who received mail order catalogs. The videotapes depicted violent "gang rapes" of women, sexual intercourse between humans and animals, and other sexual activity which involved urination, defecation and sadistic and masochistic conduct.

The Supreme Court's decision in Miller v. California, 413 U.S. 15 (1973), stated that material which appeals to prurient sexual desire, is patently offensive, and contains no serious literary, artistic, political or scientific value falls outside the protection of the First

Amendment right of free speech. The Miller Court also stated that the standard should be determined on a local, rather than national, community standard. An average person, applying local community standards, would find that the videotapes provided by LAMBERT specifically appealed to prurient sexual desire, were patently offensive, and contained no literary, artistic, political or scientific value of any kind.

LAMBERT faces possible penalties of 5 years in prison, a \$250,000 fine and 3 years supervised release. LAMBERT will also forfeit to the United States material, cash and property used to commit the offense.

U.S. Attorney Bill Mercer prosecuted the case for the United States with Damon King of the Child Exploitation and Obscenity Section of the United States Department of Justice.

The investigation was a conducted by the Northwest Division of the United States Postal Inspection Service in Billings and Seattle.

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For a copy of the Offer of Proof contact Beth Binstock at (406) 247-4653